

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City Development, Planning Division

**AGENDA DATE:** Introduction: January 8, 2013  
Public Hearing: January 29, 2013

**CONTACT PERSON/PHONE:** Providencia Velázquez, (915)541-4027, VelazquezPX@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An ordinance repealing ordinance 010917 that exempts non-contributing properties in the Downtown Historic District from complying with design guidelines, and amending Title 20 (Zoning), Chapter 20.20 (Historic Landmark Preservation), Section 20.20.080 (Alterations and Changes to Landmarks and H-Overlay Properties) of the El Paso city code to require that a certificate of appropriateness or certificate of demolition be approved prior to construction, alterations, changes, removal, or demolition to all properties with an H-Overlay, including those within the Downtown Historic District (**District 8**).

**BACKGROUND / DISCUSSION:**

Ordinance 010917 declared that Non-contributing properties in the Downtown Historic District, as approved by the City Council on 21 January 1992, shall be exempted from the Design Guidelines for building exteriors and shall be noted on zoning maps as non-contributing properties in a historic district by the designation "H/NC."

**PRIOR COUNCIL ACTION:**

N/A.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Director- City Development

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**CITY DEVELOPMENT  
PLANNING DIVISION**

**M E M O R A N D U M**

**DATE:** December 18, 2012

**TO:** The Honorable Mayor and City Council  
Joyce Wilson, City Manager

**FROM:** Providencia Velázquez, Historic Preservation Officer

**SUBJECT:** Repeal of ordinance 010917 (Historic Preservation) that exempts non-contributing properties in the Downtown Historic District from complying with design guidelines.

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Ordinance 010917 declared that Non-contributing properties in the Downtown Historic District, as approved by the City Council on 21 January 1992, shall be exempted from the Design Guidelines for building exteriors and shall be noted on zoning maps as non-contributing properties in a historic district by the designation "H/NC."

The Historic Preservation Office recommends that all buildings in the Downtown Historic District comply with the design guidelines, in accordance with all the other historic districts in the City of El Paso, because the exemption from the guidelines constitutes a detriment to the protection of properties located in the Downtown Historic District.

**Attachments:** Ordinance 010917  
Proposed Ordinance Repealing 010917

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING ORDINANCE 010917 THAT EXEMPTS NON-CONTRIBUTING PROPERTIES IN THE DOWNTOWN HISTORIC DISTRICT FROM COMPLYING WITH DESIGN GUIDELINES, AND AMENDING TITLE 20 (ZONING), CHAPTER 20.20 (HISTORIC LANDMARK PRESERVATION), SECTION 20.20.080 (ALTERATIONS AND CHANGES TO LANDMARKS AND H-OVERLAY PROPERTIES) OF THE EL PASO CITY CODE TO REQUIRE THAT A CERTIFICATE OF APPROPRIATENESS OR CERTIFICATE OF DEMOLITION BE APPROVED PRIOR TO CONSTRUCTION, ALTERATIONS, CHANGES, REMOVAL, OR DEMOLITION TO ALL PROPERTIES WITH AN H-OVERLAY, INCLUDING THOSE WITHIN THE DOWNTOWN HISTORIC DISTRICT .

**WHEREAS**, in January 1992, the City Council (“the Council”) of the City passed and approved the designation of the Downtown Historic District (Case Number 91-5648, Ordinance Number 10877) and

**WHEREAS**, in February 1992, the Council passed and approved Ordinance No. 010917 to Clarify the Treatment of Properties Designated as Non-Contributing in C-5 (Commercial Zones); and

**WHEREAS**, Ordinance 010917 declared that Non-contributing properties in the Downtown Historic District, as approved by the City Council on 21 January 1992, shall be exempted from the Design Guidelines for building exteriors and shall be noted on zoning maps as non-contributing properties in a historic district by the designation “H/NC”; and

**WHEREAS**, the City Council finds that the exemption or non-contributing properties in the Downtown Historic District from the guidelines as set forth in Ordinance No. 010917 constitutes a detriment to the protection of properties located in the Downtown Historic District and wishes to repeal Ordinance No. 010917 in its entirety; and

**WHEREAS**, the City Council wishes to require that there shall be no construction, reconstruction, alteration, change, removal or demolition of any property, contributing or non-contributing, in the Downtown Historic District unless a certificate of appropriateness or certificate of demolition has been approved by the Historic Landmark Commission or granted approval through the authorized administrative review in order that such properties are treated consistently with non-contributing properties in all other historic districts in the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

1. Ordinance No. 010917 is hereby repealed in its entirety.

2. That Title 20 (Zoning), Chapter 20.20 (Historic Landmark Preservation), Section 20.20.080 (Alterations and Changes to Landmarks and H-Overlay Properties) of the El Paso City Code is hereby amended as follows:

- A. No person or entity shall construct, reconstruct, alter, change, remove, demolish or fail to maintain, any of the following, unless a certificate of appropriateness or a certificate of demolition has been approved by the HLC or approval granted through administrative review:
  - 1. Any permanent feature on a property listed as a Texas Antiquities Landmark or on the National Register of Historic Places;
  - 2. Any building, object, site, landscape architectural feature, or group of such designated with an H-overlay or as a historic landmark as defined by this chapter and designated by the city council, including such within the downtown historic district.

**SECTION 3.** Effective Date. This ordinance shall become effective immediately and shall apply to all applications submitted on and after such date.

**SECTION 4.** Severability. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstances shall be held to be invalid or unconstitutional, the remainder of this ordinance shall nevertheless be valid.

**SECTION 5.** Except as herein amended, Title 20.20 (Historic Landmark Preservation) of the El Paso City Code shall remain in full force and effect.

*(signatures follow on next page)*

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

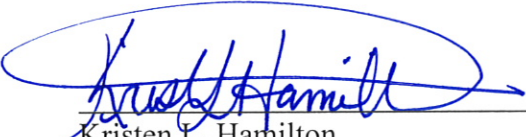
THE CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kristen L. Hamilton  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Mathew McElroy, Director  
City Development Department

ORDINANCE NO. \_\_\_\_\_

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010917

AN ORDINANCE AMENDING TITLE 20 (ZONING),  
CHAPTER 20.67 OF THE EL PASO CITY CODE  
(HISTORIC LANDMARK PRESERVATION), SECTION  
20.67.030.B (HISTORIC LANDMARKS-DESIGNATION)  
TO CLARIFY THE TREATMENT OF PROPERTIES  
DESIGNATED AS NON-CONTRIBUTING IN C-5  
(COMMERCIAL) ZONES.

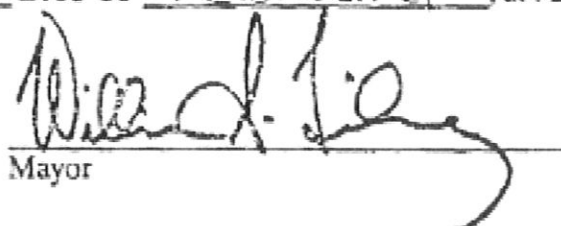
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT Section 20.67.030 (Historic Landmarks - Designation) of the El Paso City Code, shall be and hereby is amended by changing Subsection 20.67.030.B. to add the following language at the end of the current section:

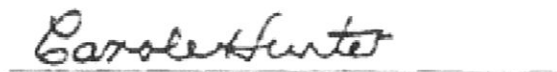
Non-contributing properties in the Downtown Historic District, as approved by the City Council on 21 January 1992, shall be exempted from the Design Guidelines for building exteriors and shall be noted on zoning maps as non-contributing properties in an historic district by the designation "H/NC".

Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

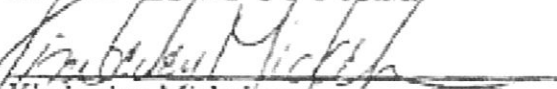
PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF February, 1992.

  
Mayor

ATTEST:

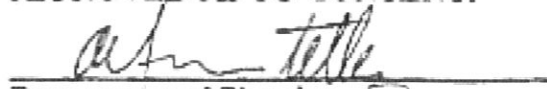
  
City Clerk

APPROVED AS TO FORM:

  
Kimberley Mickelson,  
Assistant City Attorney

GG/C:\JCH\2067030B.ORD

APPROVED AS TO CONTENT:

  
Department of Planning

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